

REMARKS

Applicant has carefully studied the outstanding Official Action mailed on July 17, 2007. This response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Claims 1-3, 5, 6, 8-13, 15 and 16 stand rejected under 35 USC §102(e) as being anticipated by Layne et al (US 2002/0026195).

Claim 4 stands rejected under 35 USC §103(a) as being unpatentable over Layne et al in view of Scholten et al (US 4969888).

Claim 7 stands rejected under 35 USC §103(a) as being unpatentable over Layne et al in view of Foley et al (US 6676665).

Claim 14 stands rejected under 35 USC §103(a) as being unpatentable over Layne et al in view of Berger (US 6706069).

In the rejection over Layne et al., Examiner states “Layne et al. discloses...an elastomeric sheath (50, 60) assembled around a rod (200, 210, 212, 213, 220), a portion of said sheath being arranged for sliding along said rod (see Figure 23); and a sheath compactor (275) adapted to slide a portion of said sheath along said rod from a first position to a second position (paragraph 0079), wherein in the first position said sheath is in a non-expanded orientation (see Figure 22) and in the second position said sheath is in an expanded orientation wherein folds of said sheath expand radially outwards from said rod (see Figures 23-25, 27).”

Applicant respectfully traverses these rejections. First, Applicant has previously shown that the expandable structure 50 of Layne et al. is inserted *through* the hollow member 210 of insertion device 200. The elastomeric sheath (50, 60) does not surround an outside portion of the rod (200, 210, 212, 213, 220); the sheath is *inside* the rod, not around it on the outside. Examiner has agreed to this point in her remarks but has stated that this difference is not clear from the original wording of “around” the rod.

Claim 1 has been amended to make it clear that the elastomeric sheath surrounds an outside portion of the rod and that the folds of said sheath expand radially outwards from said outside portion of said rod. It is thus respectfully submitted that Layne et al. does not negative the patentability of any of the claims.

New claim 17 has been introduced reciting further patentable features. Accordingly all of the rejections are deemed overcome and claims 1-17 are deemed allowable.

Application No. 10/565,205

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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